

REMARKS

Claims 1-20 are currently pending. Claim 2 has been amended. Applicants respectfully request reconsideration of the captioned application in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 USC 112

The office action rejected claim 2 under 35 USC 112 as allegedly being indefinite. Claim 2 has been amended to clarify that the monitoring computer receives the message. The rejection under 35 USC 112 is thus believed to be overcome.

Claim Rejections – 35 USC 102

The office action rejected claims 1, 2, 6 and 9 under 35 USC 102(e) as allegedly being anticipated by U.S. Patent No. 5,406,269 to Baran (“Baran”). Applicants respectfully traverse this rejection.

It is well accepted that to anticipate a claim, each claim limitation must be disclosed in the cited reference. See, e.g., MPEP 2131. Claim 1 first recites, “configuring a subordinate program with a monitoring program on a monitoring computer.” Regarding this claim element, the office action cites col. 1, ll. 34-40 and col. 3, ll. 38-40 of Baran:

“Performance Monitoring: For example, fax and voice service systems are relatively complex, and it is difficult for the customer to properly monitor all of the functions of the system. It would be helpful to be able to detect configuration errors (wrong phone number programmed into the system) as well as monitoring the performance of units once they are installed so that the supplier can recommend configuration changes to the customer....

"The Central Site, which is discussed more completely below, is disposed to monitor the apparatus 18 at each of the "i" sites by means of an input device that is compatible with the device used by the apparatus 18 to communicate over a telephone line."

While this passage mentions monitoring, it fails to disclose a monitoring computer configuring a subordinate program with a monitoring computer – there does not appear to be a disclosure of the manner in which the monitoring program is configured.

Claim 1 next recites, “installing the configured subordinate program from the monitoring computer to a target computer.” The office action cites col. 3, ll. 42-45, stating, “Baron teaches installing the subprogram from the monitoring computer to a target program.” The cited passage of Baran is as follows:

“The monitoring system of the present invention is intended to be secretly included at the time of sale in the apparatus 18 that is then installed at the user's Remove Site.”

This passage, however, fails to disclose installing a program from a monitoring computer to a target computer. As noted above, there is no specific disclosure of where the monitoring system is configured, only that it is installed at a remote site.

As the cited prior art fails to disclose each claim limitation, it cannot anticipate the claim. Claim 1, and claims 2, 6 and 9 depending therefrom, are thus believed to be proper for allowance.

Claim Rejections – 35 USC 103

The office action rejected claims 3-5, 7, 8 and 10-20 under 35 USC 103(a) as allegedly being unpatentable over Baran in view of U.S. Patent No. 5,930,736 to Miller et al (“Miller”). Applicants respectfully traverse this rejection.

Claims 3-5, 7 and 9 depend from claim 1, so they are allowable for at least the reasons set forth above in regard to the rejection under 35 USC 102.

MPEP 2143.03 notes that to establish *prima facie* obviousness, all claim limitations must be taught or suggested by the prior art references. The office action relies on Baran as teaching a monitoring program and a subordinate program configured by the monitoring program as required by independent claims 10 and 14. As noted in the remarks above, the passages of Baran cited in the office action do not appear to provide any particular disclosure as to the use of a subordinate program, or if such a subordinate program is used, there is no disclosure as to configuring it with a monitoring program.

The office action cites Miller as teaching a shutdown event. However, claim 10 further requires a specific monitoring program that includes

*a first routine determining an alarm condition of the apparatus from the data,
a second routine determining a target computer on the network effected by the
alarm condition of the apparatus, and
a third routine sending a predetermined instruction to the affected target
computer over the network...*

Claim 14 also recites a monitoring program that includes

*receiving data from the apparatus,
determining an alarm condition of the apparatus,
determining a computer on the network effected by the alarm condition of the
apparatus,
sending a shutdown instruction to the affected target computer...*

The office action fails to provide a specific reference to a disclosure in Miller that teaches or suggests such monitoring program as set forth in either claim 10 or 14. Thus, Applicant respectfully submits that claims 10 and 14, as well as claims 11-13 and 15-17 dependent thereon, are allowable.

Claim 18 recites a system for shutting down a target computer, wherein an apparatus supporting or interacting with the computer creates a predetermined instruction in response to an alarm condition that is received by the target computer. Claim 18 further requires a processor installed in the apparatus that monitors the apparatus for the alarm condition. The office action quotes from col. 6, ll. 65-66 of Miller, which states, “the processor 115 may monitor the I/O signals for other purposes other than providing user interface information.” Figure 1 of Miller is reproduced below, showing the relationship between the “apparatus” (fan 101) and the processor 115 referenced in the quoted section.

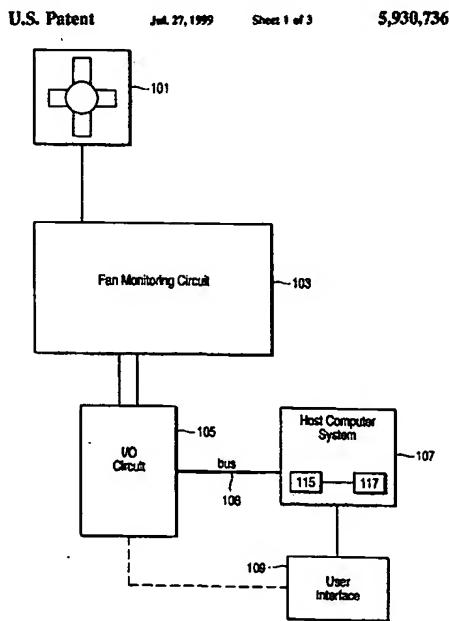


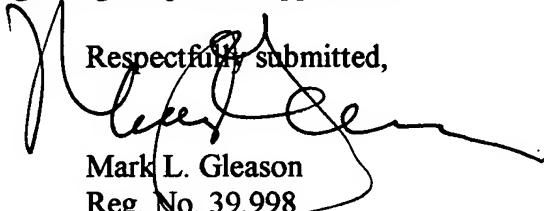
FIG. 1

As clearly shown in the figure reproduced above, the processor 115 is not installed in the apparatus, and it is not clear from the quoted passages of Miller whether the processor monitors the apparatus for an alarm condition.

Therefore, claim 18, and claims 19 and 20 dependent thereon, are believed to be proper for allowance.

Conclusion

As evidenced by the foregoing amendments and remarks, Applicants have made a genuine effort to address each concern raised in the office action. All of the pending claims are believed to be in condition for allowance. The Examiner is invited to contact the undersigned attorney with any concerns or questions regarding the present application.


Respectfully submitted,

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